

REMARKS

Claims 1-13, 16-20, 28-49, and 57-59 are pending in the present application. Claims 14-15 were canceled; claims 1, 3, 5, 28, 31, 33, 35, and 37 were amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation, Claims 1, 4-6, 16, 28-29, 31, 34-36, 43-45, 57, and 59

The Examiner has rejected claims 1, 4-6, 16, 28-29, 31, 34-36, 43-45, 57, and 59 under 35 U.S.C. § 102(b) as being anticipated by *Harlow et al.* (US Patent No. 5,206,901). This rejection is respectfully traversed.

With regard to claim 1, the Examiner states:

Regarding claims 1 and 31, Harlow teaches a method in a communications system for routing a call, the method comprising: receiving a call (see col. 8, line 51); identifying call routing information for the call (this reads on the destination directory number see col. 8, lines 52-60); responsive to identifying call routing information, determining whether a function has been selected for routing the call (the function here reads on activating/deactivating of the call forward feature); and responsive to a determination that a function has been selected for routing the call, routing the call using a sequence of destinations associated with the function (see col. 8, lines 36-47).

(Office Action, dated February 7, 2003, page 2).

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). The *Harlow* reference cited by the Examiner does not anticipate the present invention as recited in amended claim 1, because *Harlow* fails to teach each and every element of the claim. Amended independent claim 1, which is representative of independent claims 16, 31, 43, 35, and 57, reads as follows:

1. A method in a communications system for routing a call, the method comprising:
 - receiving a call;
 - identifying call routing information for the call;
 - responsive to identifying call routing information, determining whether a function to be performed by the subscriber has been selected for routing the call; and

responsive to a determination that a function to be performed by the subscriber has been selected for routing the call, routing the call using a sequence of destinations associated with the function to be performed by the subscriber.

Harlow fails to teach determining whether a function to be performed by the subscriber has been selected for routing the call in response to identifying call routing information, as recited in amended claim 1. In the rejection of claim 1 in its original form, the Examiner states the function feature of the present invention reads on the activating/deactivating of the call forwarding feature in *Harlow*. While not necessarily agreeing with the Examiner's assertion, Applicants have amended claim 1 to further clarify the function feature in the present invention. In its present amended form, claim 1 further clarifies that the function feature of the present invention is a *function to be performed by the subscriber*. This feature is clearly not present in the *Harlow* reference.

The function feature of amended claim 1 does not merely perform an ON/OFF operation. Examples of some possible functions to be performed by the subscriber to be selected by the subscriber are illustrated in Figure 5 of the present invention and described in the corresponding text:

FIG. 5

502

500

Caller Connection Service

Function

504

In car

Going home

At work

At gym

At home

Golfing

Function name

508

Going to work

Time period

510

1.0

Time

Start

512

08:00 am

End

514

08:30 am

Number

516

1

518

2

520

3

522

(976)367-1818

524

506

Add

526

Delete

528

OK

530

Cancel

Window 502 includes a function list 504 in which a number of different locations may be selected for use in calling the subscriber. Function list 504 is a list of functions that have been set up for the subscriber. In this example, "in car", "at work", "at gym", "at home", and "golfing" are the functions that have been set up for the subscriber.

(*Specification*, page 13). As can be seen, the function feature of the present invention is not simply an activation/deactivation feature as the Examiner asserts. The present invention uses the function feature to describe functions to be performed by the subscriber, rather than merely describing a physical location as in the *Harlow* reference. For example, Figure 5 above includes such activities as "golfing" and "going to work" as possible activities that the subscriber may perform. Page 9, lines 7-9 of the *Specification* additionally states, "the mechanism of the present invention also allows a subscriber to setup the sequence of numbers to call the subscriber based on functions or activities of the subscriber." Consequently, *Harlow* fails to teach determining whether a function to be performed by the subscriber has been selected for routing the call in response to identifying call routing information as recited in claim 1.

Moreover, *Harlow* fails to teach routing the call using a sequence of destinations associated with the function to be performed by the subscriber in response to a determination that a function to be performed by the subscriber has been selected for routing the call, as recited in claim 1. The Examiner refers to the following section of the *Harlow* reference as evidence that *Harlow* teaches this feature:

This would be useful in situations where an elderly person is living alone at the primary number, and a relative or neighbor monitors the secondary telephone number. The relative would be alerted to those times when the elderly person did not answer the phone. Additionally, an incoming call may be bridged to both the primary and secondary telephones at the switching system, so that if the secondary telephone is answered first, the primary telephone may be answered for a predetermined time period afterwards. It is therefore intended that such variations be included within the scope of the following claims.

(*Harlow*, col 8, lines 36-47). The passage above teaches routing the incoming call in sequence, by routing the call to the primary number first and then to the secondary number if the first number is unanswered, or simultaneously, by bridging the incoming

call to both the primary and secondary telephones. However, there is no mention in the passage of routing the call using a sequence of destinations associated with the function to be performed by the subscriber. As stated before, *Harlow* does not teach the function to be performed by the subscriber feature of the present invention. It must follow that *Harlow* fails to teach routing the call using a sequence of destinations associated with the function in response to a determination that a function has been selected for routing the call.

With regard to claim 28, the Examiner states:

Regarding claim 28, *Harlow* teaches a switch (such as 110, 120, and 130, see Fig. 1) comprising: an input for receiving a call for a party; signaling interface for sending a request to a database (175) for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with the party in response to the party previously selecting the function; and a switch fabric, wherein the call is routed from the input through the switch fabric to an output to a destination returned by the database using the calling sequence for the function (see col. 2, lines 25-53).

(Office Action, page 5). Independent claim 28 reads as follows:

28. A switch comprising:
an input for receiving a call for a party;
signaling interface for sending a request to a database for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with and to be performed by the subscriber in response to the subscriber previously selecting the function to be performed by the subscriber; and
a switch fabric, wherein the call is routed from the input through the switch fabric to an output to a destination returned by the database using the calling sequence for the function to be performed by the subscriber.

Harlow does not teach the feature of signaling interface for sending a request to a database for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with and to be performed by the subscriber in response to the subscriber previously selecting the function to be performed by the subscriber, as recited in claim 28. Although the *Harlow* reference may use a calling sequence, *Harlow* does not teach using a calling sequence for a function associated with and to be performed by the subscriber in response to the party previously selecting a function to be performed by the subscriber. In fact, as shown above in the

response to the rejection of claim 1, *Harlow* does not teach the function feature of the present invention. Consequently, *Harlow* does not teach the feature of signaling interface for sending a request to a database for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with and to be performed by the subscriber in response to the subscriber previously selecting the function to be performed by the subscriber. Thus, *Harlow* fails to teach each and every element of claim 28.

Since claims 4-6, 29, 34-36, and 44-45 depend from claims 1, 28, 31, and 43, respectively, the same distinctions between *Harlow* and claims 1, 28, 31, and 43 apply for these claims. Consequently, Applicant respectfully request that the rejection of claims 1, 4-6, 16, 28-29, 31, 34-36, 43-45, 57, and 59 under 35 U.S.C. § 102 be withdrawn.

II. 35 U.S.C. § 103, Obviousness, Claims 2-3, 18-20, 30, 32-33, and 46-49

The Examiner has rejected claims 2-3, 18-20, 30, 32-33, and 46-49 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow* in view of *Brennan* (US Patent No. 5,329,578). This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The combination of *Harlow* and *Brennan* fail to teach or suggest the present invention as recited in claims 2-3, 18-20, 32-33, and 46-49. Although *Brennan* may teach allowing the subscriber to specify a time schedule for call routing, (*Brennan*, col. 6, lines 50-68 and col. 7, lines 1-15), the *Harlow* reference still does not teach or suggest all the claim limitations in claims 2-3, 18-20, 32-33, and 46-49, as argued in the response to the rejection of claim 1 above. Claims 2-3, 18-20, 32-33, and 46-49 are patentable over the cited references because the combination of the *Harlow* reference with *Brennan* would not reach the presently claimed invention. The features relied upon as being taught in the *Harlow* reference are not taught or suggested by that reference, as explained

above. As a result, a combination of these references would not reach the claimed invention in claims 2-3, 18-20, 32-33, and 46-49.

With regard to claim 30, the Examiner states:

Regarding claim 30, Harlow teaches service control point (SCP 170) comprising: an input/output interface (this reads on computer 112 connected to a telephone, see Fig. 1), wherein request for routing information is received from a requestor (this reads on the SSP 110 for example that is connected to 112) at the input/output interface and routing information returned to the requestor a database (175) containing a plurality of calling sequences for subscribers; and a processing (reads on 113) unit connected to input/output interface and the database, wherein the processing unit has a plurality of modes of operation including: a first mode of operation in which the processing unit monitors for requests for routing information; a second mode of operation, responsive to receiving a request, in which the processing unit identifies routing information for the call; a third mode of operation, responsive to identifying routing information for the call, in which the processing unit determines where a function has been selected for routing the call; a forth mode of operation, responsive to a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a sequence of destinations associated with the function; and a fifth mode of operation, responsive to an absence of a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a call routing schedule based on time.

(Office Action, page 7-8). Independent claim 30, is reproduced below:

30. A service control point comprising:
- an input/output interface, wherein request for routing information is received from a requestor at the input/output interface and routing information returned to the requestor;
 - a database containing a plurality of calling sequences for subscribers; and
 - a processing unit connected to the input/output interface and the database, wherein the processing unit has a plurality of modes of operation including:
 - a first mode of operation in which the processing unit monitors for requests for routing information;
 - a second mode of operation, responsive to receiving a request, in which the processing unit identifies routing information for the call;
 - a third mode of operation, responsive to identifying routing information for the call, in which the processing unit determines whether a function has been selected for routing the call;
 - a fourth mode of operation, responsive to a determination that a function has been selected for routing the call, in which the processing unit sends routing

information for the call using a sequence of destinations associated with the function; and

a fifth mode of operation, responsive to an absence of a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a call routing schedule based on time.

Harlow fails to teach or suggest all claim limitations in claim 30. As argued in the response to the rejection of claim 1, *Harlow* teaches neither the call routing information nor the function feature of the present invention.

Furthermore, the Examiner has not pointed out any location in the *Harlow* or *Brennan* references that teaches sending call routing information using a call routing schedule based on time in response to an absence of a determination that a function has been selected for routing the call. In fact, the only reference to the Examiner makes to *Brennan* is to refer to the rejection of claim 2, where the Examiner states that *Brennan* teaches allowing the subscriber to specify a time schedule for call routing, (*Brennan*, col. 6, lines 50-68 and col. 7, lines 1-15). Thus, even if *Brennan* teaches specifying a time schedule for call routing, there is no teaching or suggestion in the cited references that using a time schedule for call routing is performed in response to an absence of a determination that a function has been selected for routing the call.

In view of the above, Applicant submits that independent claim 30 and dependent claims 2-3, 18-20, 32-33, and 46-49 are not taught or suggested by *Harlow* in view of *Brennan*. Accordingly, Applicants respectfully request that rejection of claims 2-3, 18-20, 30, 32-33, and 46-49 under 35 U.S.C. § 103(a) be withdrawn.

III. 35 U.S.C. § 103, Obviousness, Claims 7-8, 10-13, 37-42, and 58

The Examiner has rejected claims 7-8, 10-13, 37-42, and 58 under 35 U.S.C. § 103(a) as being unpatentable over *Ikoladare et al.* (US Patent No. 6,330,322). This rejection is respectfully traversed.

With regard to claim 7, the Examiner states:

Regarding claim 7, wherein the method in a communications systems for call routing a call, the method receiving a call to a subscriber; routing the call to the subscriber using a sequence of destinations associated with the subscriber; and responsive to a success of routing the call to the subscriber to a destination within the sequence of destinations,

automatically modifying the sequence of destinations used to call the subscriber, wherein the sequence of destinations is modified to favor destinations with successful call completions.

Foladare teaches routing the call to the current location of the subscriber based on retrieving messages from the current location. It does not explicitly teach routing to the current location based on the success of routing a call. However, there is more than one method that may be used to update the current location of the user (e.g., when user makes an outgoing call or receive an incoming call). The motivation is to always use the current location of the user to increase the success rate of reaching the user.

(*Office Action*, page 9-10). Independent claim 7, which is representative of independent claims 37 and 58, reads as follows:

7. A method in a communications system for call routing a call, the method comprising:
- receiving a call to a subscriber;
 - routing the call to the subscriber using a sequence of destinations associated with the subscriber; and
 - responsive to a success of routing the call to the subscriber to a destination within the sequence of destinations, automatically modifying the sequence of destinations used to call the subscriber, wherein the sequence of destinations is modified to favor destinations with successful call completions.

Foladare is directed toward a system for updating of a subscriber's current telephone number in response to a reverive call being placed by a subscriber from a particular location. The *Foladare* reverive call system is described in the Summary:

When a reverive call is received by a system from a subscriber, the subscriber's number is identified and compared to a default number in the subscriber's profile. The call is connected and the system checks whether the telephone number is the same as the number stored in the subscriber's profile. If the subscriber's number is different than the number stored in the subscriber's profile, after the call is terminated, the system queries the subscriber as to whether the subscriber would like to have calls forwarded to his or her current telephone number for a particular length of time. If the subscriber indicates that he or she would like to have calls forwarded to his or her current telephone number for a particular period of time, the subscriber's telephone number will be stored in the subscriber's profile so that all future pages or calls will be forwarded to that number, thus obviating the need for the subscriber to constantly place reverive calls from the same location.

(*Foladare*, col. 1, lines 28-47). The passage above teaches that when the subscriber calls from a number that is not the same number store in the subscriber's profile, the system places a revertive call to the subscriber's current location and inquires whether or not the subscriber would like to have calls forwarded to his current telephone number. Thus, the subscriber has the option of forwarding his calls to his current telephone number or continue to be contacted at the default telephone number indicated in the subscriber's profile. In contrast, claim 7 recites the feature of *automatically* modifying the sequence of destinations used to call the subscriber in response to a success of routing the call to the subscriber to a destination within the sequence of destinations, wherein the sequence of destinations is modified to favor destinations with successful call completions. Although the Examiner correctly notes that *Foladare* teaches routing a call to the subscriber's current location based on retrieving messages from the current location, *Foladare* does not teach or suggest that the sequence of destinations used to call the subscriber are automatically modified. To the contrary, as shown above, *Foladare* requires the subscriber select whether or not he wants his calls to be routed to his current destination. In contrast, the present invention automatically makes routing modifications based on the calls that were successfully completed.

Furthermore, Applicants agree with the Examiner's admission that *Foladare* does not teach routing to the current location based on the success of routing a call. The Examiner also states that the motivation to update the current location of the user "is to always use the current location of the user to increase the success rate of reaching the user." However, the *Foladare* system does not always employ this motivation of using the current location of the user to increase the success rate of reaching the user, since the user can prevent calls from being forwarded to his current telephone number. The sequence destinations of a subscriber of the present invention, in contrast, is automatically updated based on increasing the success rate of the calls.

In view of the above, Applicants submit that independent claims 7, 37, and are not taught or suggested by the *Foladare* reference. Claims 8, 10-13, and 38-42 are dependent claims depending on independent claims 7 and 37. Applicants have already demonstrated claims 7 and 37 to be in condition for allowance. Applicants respectfully

submit that claims 8, 10-13, and 38-42 are also allowable, at least by virtue of their dependency on allowable claims. Accordingly, Applicants respectfully request that rejection of claims 7-8, 10-13, 37-42, and 58 be withdrawn.

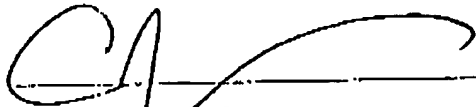
IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 6-20-03

Respectfully submitted,



Cathrine K. Kinslow
Reg. No. 51,886
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants